IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 2138 OF 2006

IN

FIRST APPEAL (St.) NO. 9256 OF 2006

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr.Rajesh B.Parab for the Applicant.

Mr.D.S.Padwal for Respondent No.1.

Mr.A.R.Patil, AGP for State.

CORAM: S.B.DESHMUKH, J.

DATE :12TH OCTOBER, 2006

P.C.:

Heard learned Counsel for the parties.

2. It is alleged in paragraph 7 of the civil application that the certified copy of the decree was delivered to the applicant on 17th February, 2006. However, certified copy of the judgment, was given to the

applicant on 17th March, 2006. Apart from this, the applicant was under the impression that the period of limitation for filing this appeal was 90 days. For all these reasons, delay of about 38 days is occurred in filing the present first appeal in this Court. Learned Counsel for the respondents submits that the reasons assigned by the applicant are not just and proper and the application be rejected.

3. Having heard the learned Counsel for the applicant, in my view, case for condonation of delay is established. Delay is properly explained and is bonafide.

4. In the result, delay of about 38 days occurred in filing the present first appeal in this Court is condoned. Civil Application, accordingly, is allowed and disposed of.

Sd/-

(S.B.DESHMUKH, J.)